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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 JAMES W. ROLLINS,

11 Plaintiff,

12 v.

13 GARY WAKEMAN, et al.,

14 Defendants.  
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CASE NO. 3:17-cv-05943-RBL-JRC

ORDER VACATING REPORT  
AND RECOMMENDATION

16 This 42 U.S.C. § 1983 civil rights matter has been referred to the undersigned Magistrate  
17 Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,  
18 MJR 3, and MJR 4.

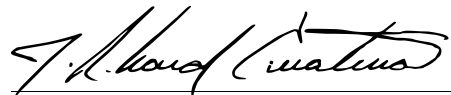
19 Plaintiff initially filed this action in November of 2017. Dkt. 1. However, he did not pay  
20 the filing fee or submit an application to proceed *in forma pauperis*, so the Clerk sent him a letter  
21 informing him as such. Dkt. 2. The Clerk sent a second letter in March of 2018. Dkt. 3. When  
22 plaintiff did not respond, the Court entered a report and recommendation recommending that the  
23 case be dismissed for failure to prosecute. Dkt. 4. However, on May 23, 2018, plaintiff's mother  
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1 came to the Clerk's office and provided proof that plaintiff had paid the filing fee in December  
2 of 2017. Dkt. It appears that, even though plaintiff had paid the fee, there was no docket entry  
3 reflecting payment and so the Court was unaware that the fee had been paid when it entered its  
4 report and recommendation.

5 Therefore, the Court vacates its report and recommendation (Dkt. 4). The Court will  
6 screen plaintiff's complaint (Dkt. 5) and determine whether it is appropriate for service, or  
7 whether plaintiff will be provided leave to file an amended complaint.

8 The Clerk is directed to re-refer the case to the undersigned Magistrate Judge for further  
9 proceedings.

10 Dated this 29th day of May, 2018.

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12 J. Richard Creatura  
13 United States Magistrate Judge  
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